

Attorney Docket No.: 01CON247P-CON
Application Serial No.: 10/806,800

REMARKS

This is in response to the *Non-Final* Office Action of February 3, 2009, where the Examiner has rejected claims 30-45. By the present amendment, applicant has amended independent claims 30 and 38, and added new claims 56-57. An early allowance of outstanding claims 30-45 and 56-57 in view of the following remarks is requested.

A. Rejection of Claims 30-45 under 35 USC § 103(a)

The Examiner has rejected claims 30-45, under 35 USC § 103(a), as being unpatentable over certain references, including Farris, et al. (USPN 6,438,218) ("Farris") in view of Vaziri, et al. (USPN 6,377,570) ("Vaziri").

By the present amendment, applicant has amended independent claim 30 to recite "harmonizing a set of data link parameters supported by said first gateway modem with said first set of data link parameters and said second set of data link parameters to determine a final set of data link parameters supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem."

It is respectfully submitted that the Office Action acknowledges that "Farris does not expressly disclose that the first gateway has a modem that establishes the physical connection to the client modem, and the modem handshaking communications." However, the Office Action cites Vaziri, and alleges that Vaziri discloses all the following elements missing from Farris at col., 14, lines 55 – col. 15, lines 5, and column 22, lines 26-61, and figures 7b, 7c and 9:

receiving a first set of data link parameters supported by said first client modem;

receiving a second set of data link parameters supported by both a second gateway modem of said second gateway modem and said second client modem;

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harmonizing a set of data link parameters supported by said first gateway with said first set of data link parameters and said second set of data link parameters to determine *a final set of data link parameters supported by all of* said first client modem, said first gateway modem, said second gateway modem and said second client modem.

Applicant respectfully disagrees that Vaziri discloses the above elements of claim 30. In fact, applicant respectfully submits that Vaziri does not even come close to disclosing, teaching or suggesting such elements of claim 30, let alone either Farris or Vaziri teaching or suggesting the combination that is alleged by the Office Action to reach the invention of claim 30. To clearly set forth the lack of disclosure of the above elements of claim 30 by Vaziri, below, applicant has recited the above portions of Vaziri relied upon by the Office Action:

Connection to the ISP will now be explained with reference to FIG. 7B. The modem is initialized, and telephone line 212 is monitored for a dial tone. ISB 100 dials the ISP access number to connect via PSTN 702 to modem rack 704 of the ISP. The modem of the ISB and a modem reached in modem rack 704 negotiate the baud rate and the protocol, whereupon ISB 100 is connected to the facilities of ISP 706. The ISB and the ISP perform any authentication procedure required, and the ISB selects "PPP" from the ISP's logon menu, if any. The ISB and the ISP then start communication by PPP, and PAP (the password authentication protocol) is carried out if no authentication has been performed before. The ISB is then connected by TCP to the ISP and thus via line 708, such as a T1 or T3 line or the like, to Internet backbone 710. If the call to the ISP results in a busy signal, the user can simply wait and call again. Alternatively, the ISB can be configured to store and dial multiple access numbers for one or more ISPs. (col., 14, lines 55 – col. 15, lines 5.)

FIG. 9 shows a connection between a customer's location 900C and an agent's position 900HD at the help desk. The help desk has one or more call center positions 900HD, each equipped with a standard telephone 211HD, a computer or data terminal 908 and a specially equipped ISB 100HD connected to computer or data terminal 908 via a serial port or other connection such as serial port 408 of FIG. 4. The customer connects to the help desk via PSTN 902, customer's ISP 904C, Internet 906 and help desk's ISP 904HD. The agent can use ISB 100HD to access, program, upgrade and test customer's ISB 100C. The agent can change the data stored in ISB 100C (for example, the device data, server data and owner data). The help desk does not have to change the data maintained

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automatically by ISB 100C or by other servers (e.g., friends data, billing data and service records). Also, the agent and the customer can talk via telephones 211C and 211HD, either in voice over data via the Internet or in voice-only mode via the Internet or the PSTN, so that the agent can answer the customer's questions. The user can initiate a voice-over-data conversation by dialing *0#. (column 22, lines 27-46.)

Programming of the ISB from the help desk takes place in the following manner. The customer and the agent engage in a conversation, either by IT or by the PSTN. If the agent decides that the customer's ISB 100C is to be remotely programmed from the help desk, the agent instructs the customer to dial *0# into telephone 211C. The agent verifies that the customer's ISB 100C has accepted this code to go into voice-over-data mode and enters a similar command to set his own ISB 100HD to voice-over-data mode. The ISBs 100C and 100HD perform a modem handshaking and then start a PPP link between them. Once the link is established, the bandwidth is shared between voice and data, and the agent and the customer can resume their conversation while the agent accesses, examines and programs the customer's ISB 100C. (column 22, lines 47-61.)

As shown above in the underlined portions of Vaziri at col., 14, lines 55 – col. 15, lines 5 (as other parts do not seem to be relevant at all), Vaziri is clearly discussing a negotiation for the baud rate, which is part of the negotiation for establishing a physical modem connection. Further, Vaziri's references to the authentication procedure and PPP link, which are outside of the data link parameters for a modem, do not even come close to disclosing, teaching or suggesting the above elements of claim 30.

Applicant respectfully submits that there is no disclosure in Vaziri, just as in Farris, whatsoever, that the gateway receives a first set of data link parameters supported by said first client modem; that the gateway receives a second set of data link parameters supported by both a second gateway modem of said second gateway modem and said second client modem; and that the gateway harmonizes a set of data link parameters supported by said first gateway with said first set of data link parameters and said second set of data link parameters to determine a final

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set of data link parameters supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem.

It is respectfully submitted that, at best, Vaziri, discloses processes consisting of a negotiation for a physical modem connection, and establishing a PPP link. However, Vaziri does not even discuss any details of any such non-applicable processes, let alone the above-recited elements of claim 30.

Further, applicant respectfully submits that the cited references fail to disclose, teach or suggest that “a final set of data link parameters” is determined that is “supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem.”

Accordingly, applicant respectfully submits that claim 30 should be allowed. Further, claims 31-37 depend from claim 30, and should be allowed at least for the reasons stated above. It is respectfully submitted that independent claim 38 includes limitations similar to those of claim 30. Therefore, independent claim 38, and its respective dependent claims 39-45, should also be allowed at least for the reasons stated above.

B. New Claims 56-57

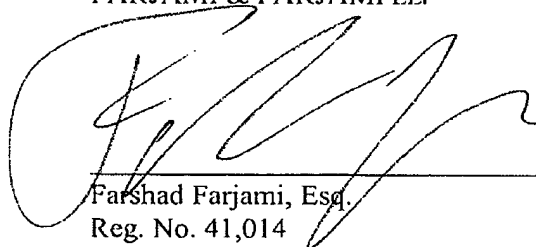
By the present amendment, applicant has added new claims 56-57, which include the limitations deleted from independent claims 30 and 38, respectively.

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C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-45 and 56-57 pending in the present application is respectfully requested.

Respectfully Submitted,
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